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JC984 U.S. PTO

01-28-02 A

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **BUR919990222US2**

First Inventor **ADLER, Eric**

Title **Capcitor Having Sidewall Spacer Protecting the Dielectric Layer and Method of Fabricating the Same**

Express Mail Label No. **EF056416066US**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages **18**]   
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [ Total Sheets **5** ]
- Oath or Declaration [ Total Pages **2** ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of (when there is an assignee)  Attorney
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No. **09 / 616,951**

Prior application information: Examiner **A. Dinkins**

Group Art Unit: **2831**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<b>28722</b> <i>(Insert Customer No. or Attach bar code label here)</i>		or	<input type="checkbox"/> Correspondence address below
Name	<b>BRACEWELL &amp; PATTERSON, L.L.P.</b>			
	<b>SUITE 350</b>			
Address	<b>7600B NORTH CAPITAL OF TEXAS HWY.</b>			
City	<b>AUSTIN</b>	State	<b>TEXAS</b>	Zip Code <b>78731</b>
Country	<b>US</b>	Telephone	<b>512.343.6116</b>	Fax <b>512.343.6002</b>
Name (Print/Type)	<b>Brian F. Russell</b>	Registration No. (Attorney/Agent)	<b>40,796</b>	
Signature	<i>Brian F. Russell</i>		Date	<b>25 Jan. 2002</b>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 740)

## Complete if Known

Application Number	NEW
Filing Date	January 25, 2002
First Named Inventor	ADLER, Eric
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	BUR919990222US2

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	09-0456
Deposit Account Name	IBM CORPORATION

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments
   
 Charge any additional fee(s) during the pendency of this application
   
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	740
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1) (\$ 740)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

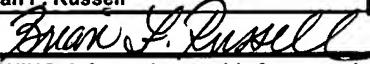
Fee from below	Fee Paid
Extra Claims	
18 -20** = 0 X 18 = 0	
1 -3** = 0 X 84 = 0	
	0 = 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 740)		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid	
Fee Code (\$)	Fee Code (\$)			
105 130	205 65	Surcharge - late filing fee or oath		
127 50	227 25	Surcharge - late provisional filing fee or cover sheet		
139 130	139 130	Non-English specification		
147 2,520	147 2,520	For filing a request for ex parte reexamination		
112 920*	112 920*	Requesting publication of SIR prior to Examiner action		
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		
115 110	215 55	Extension for reply within first month		
116 400	216 200	Extension for reply within second month		
117 920	217 460	Extension for reply within third month		
118 1,440	218 720	Extension for reply within fourth month		
128 1,960	228 980	Extension for reply within fifth month		
119 320	219 160	Notice of Appeal		
120 320	220 160	Filing a brief in support of an appeal		
121 280	221 140	Request for oral hearing		
138 1,510	138 1,510	Petition to institute a public use proceeding		
140 110	240 55	Petition to revive - unavoidable		
141 1,280	241 640	Petition to revive - unintentional		
142 1,280	242 640	Utility issue fee (or reissue)		
143 460	243 230	Design issue fee		
144 620	244 310	Plant issue fee		
122 130	122 130	Petitions to the Commissioner		
123 50	123 50	Processing fee under 37 CFR 1.17(q)		
126 180	126 180	Submission of Information Disclosure Stmt		
581 40	581 40	Recording each patent assignment per property (times number of properties)		
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))		
179 740	279 370	Request for Continued Examination (RCE)		
169 900	169 900	Request for expedited examination of a design application		
Other fee (specify) _____				
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$)	

SUBMITTED BY	Complete (if applicable)		
Name (Print/Type)	Brian F. Russell	Registration No. (Attorney/Agent)	40,796
Signature		Telephone	512.343.6116
		Date	Jan. 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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